

RESOLUTION NO. 2010-316

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
ADVANCING PUBLIC SAFETY AND AFFIRMING THE SEPARATION BETWEEN
COUNTY SERVICES AND THE ENFORCEMENT
OF FEDERAL CIVIL IMMIGRATION LAW**

WHEREAS, the County of Santa Clara is home to a diverse and vibrant community of people representing many races, ethnicities, and nationalities, including immigrants from all over the world; and

WHEREAS, approximately one-third of all County residents are foreign born, and approximately two-thirds live in families with at least one foreign-born member; and

WHEREAS, the Board of Supervisors recognizes that fostering a relationship of trust, respect, and open communication between County employees and County residents is essential to County departments' core mission of ensuring public safety and serving the needs of the entire community; and

WHEREAS, the Board of Supervisors wishes to encourage all residents of Santa Clara County to report crimes to County law enforcement officials and to use County services without fear of being arrested by or reported to U.S. Immigration and Customs Enforcement ("ICE"); and

WHEREAS, the Board of Supervisors believes that laws like Arizona's SB 1070 erode the relationship of trust between immigrant communities and local governments, subject individuals to racial profiling, discourage crime victims and witnesses from coming forward and cooperating with local law enforcement officials, and make people afraid to seek the services and medical assistance they and their children need, thereby undermining the health, safety, and well-being of citizens and non-citizens alike; and

WHEREAS, the enforcement of federal civil immigration law is the responsibility of the federal government and not of the County; and

WHEREAS, consistent with the U.S. Constitution's prohibition on the federal commandeering of local resources, the Board of Supervisors has long opposed measures that would deputize local officials and divert County resources to fulfill the federal government's role of enforcing civil immigration law; and

WHEREAS, the Board of Supervisors has consistently sought to protect the rights of all County residents to be free from discrimination, abuse, violence, and exploitation, as reflected by its enduring commitment to protecting victims of hate crimes, domestic violence, elder abuse, human trafficking, and immigration practitioner fraud in Santa Clara County; and

WHEREAS, in this time of economic difficulties, the Board of Supervisors remains committed to maximizing public safety, public health, and vital services on which the entire community depends, and recognizes that the best way to achieve these priorities is to foster an environment of inclusiveness and trust between the government and all County residents;

NOW, THEREFORE, BE IT RESOLVED that, as to all County departments and agencies subject to the Board of Supervisors' jurisdiction:

1. No County department, agency, officer, or employee shall initiate any inquiry or enforcement action based solely on a person's actual or suspected immigration status, national origin, race, ethnicity, and/or inability to speak English.
2. No County department, agency, officer, or employee shall use any County funds, resources, or personnel to investigate, question, apprehend, or arrest an individual solely for an actual or suspected civil violation of federal immigration law.
3. No County department, agency, officer, or employee shall condition the provision of County services or benefits on the citizenship or immigration status of the individual except where such conditions are lawfully imposed by federal or state law or local public assistance eligibility criteria.
4. No County department, agency, officer, or employee who collects information for the purpose of determining eligibility for services or benefits, or for seeking reimbursement from federal, state, or third-party payors, shall use any County funds or resources to provide that information to ICE for purposes of assisting in the enforcement of federal civil immigration law.
5. The County calls on ICE agents performing official business in the County to identify themselves as federal immigration officers, to make clear that they are not officers, agents, or employees of the County, and to comply with legal mandates to refrain from racial profiling and to respect the due process rights of County residents, including but not limited to providing all required warnings concerning an individual's right to remain silent, the right not to sign documents he or she does not understand, and the right to speak with a lawyer.

BE IT FURTHER RESOLVED that:

6. Nothing in this resolution shall be construed to prohibit any County officer or employee from participating in task force activities with federal criminal law enforcement authorities.
7. Nothing in this resolution shall be construed to prohibit any County law enforcement officer from investigating violations of criminal law.
8. The County Counsel shall work with County departments and agencies to implement this resolution.

9. The Clerk of the Board shall make copies of this resolution available to the public in English, Spanish, Vietnamese, Chinese, and Tagalog.

PASSED AND ADOPTED by the Board of Supervisors, County of Santa Clara, State of California on JUN 22 2010 by the following vote:

AYES: COSTELLO, GAGE, KNISS, SHIRAKAWA, YEAGER

NOES: None

ABSENT: None

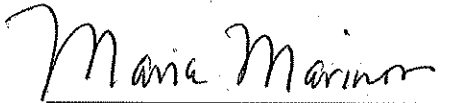
ABSTAIN: None



Ken Yeager, President
Board of Supervisors

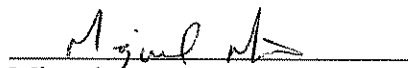
Signed and certified that a copy of this document
has been delivered by electronic or other means
to the President, Board of Supervisors.

ATTEST:



Maria Marinos
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



Miguel Márquez
Office of the County Counsel